

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE CREDIT DEFAULT SWAPS AUCTIONS
LITIGATION

Case No.: 1:21-cv-00606-KJG-JHR

**STIPULATION REGARDING VOLUNTARY DISMISSAL OF CLAIMS
AGAINST DEFENDANT CREDITEX GROUP INC.**

WHEREAS, on June 30, 2021, Plaintiff New Mexico State Investment Council (“Plaintiff”) commenced the above-captioned action (the “Action”) by filing a class action complaint (the “Complaint”), *see* ECF No. 1;

WHEREAS, on November 15, 2021, Defendant Creditex Group Inc. (“Creditex,” and with Plaintiff, the “Parties”) moved to dismiss the Complaint, *see* ECF No. 142;

WHEREAS, in accordance with the Stipulation and Order Regarding Service and Time to Respond to the Complaint, *see* ECF No. 77, on December 15, 2021, Plaintiff advised Creditex that Plaintiff elects to amend the Complaint in response to Defendant Creditex’s Motion to Dismiss the Complaint, *see* ECF No. 144;

WHEREAS, on December 20, 2021, Plaintiff and Defendants, including Creditex, submitted to the Court a Stipulation and [Proposed] Order Regarding Filing the Amended Complaint and Time to Respond to the Amended Complaint, *see* ECF No. 144, stating, in part, that Plaintiff would file an amended class action complaint (the “Amended Complaint”) on or before February 4, 2022; and

WHEREAS, on December 22, 2021, the Court entered the Stipulation and Order Regarding Filing the Amended Complaint and Time to Respond to the Amended Complaint; *see* ECF No. 145 (the “December 22, 2021 Stipulation and Order”);

NOW, THEREFORE, IT IS STIPULATED AND AGREED:

1. Plaintiff hereby voluntarily dismisses all claims against Creditex in the Action without prejudice to reasserting such claims against Creditex at a later time should evidence arise in discovery or otherwise reveal information providing a basis for doing so.

2. The Parties agree that any statute of limitations, statute of repose, or other time-related defense or claim shall be tolled as to Creditex, as more fully set forth in the separate tolling agreement between the Parties.

3. The Parties agree that Creditex will respond to all discovery requests as if it remained a defendant in the Action, subject to the Federal Rules of Civil Procedure and analogous local rules, provided that party discovery has commenced and is not stayed in the Litigation, consistent with the discovery stay reflected in the December 22, 2021 Stipulation and Order. For the avoidance of doubt, Creditex need not respond to any discovery requests if the Court has not yet decided the defendants’ anticipated motion to dismiss the Amended Complaint (or if Plaintiff is given leave to replead and the Court has not yet decided the defendants’ anticipated motion to dismiss the new complaint). Creditex does not waive and expressly reserves any objections that it may properly assert in response to any discovery requests from Plaintiff.

4. The Parties have agreed to bear their own fees and costs and not seek other relief from each other with respect to the subject matter of this action.

5. Nothing in this Stipulation shall constitute a waiver of any of Creditex's defenses, including without limitation personal jurisdiction and venue.

Dated: February 3, 2022

ATTORNEY GENERAL OF NEW MEXICO
HECTOR H. BALDERAS

Electronically Approved 2/3/2022

P. Cholla Khoury
Chief Deputy Attorney General – Civil Affairs
Brian E. McMath
Assistant Attorney General
Director – Consumer & Environmental Protection
Division
Brian Moore
Assistant Attorney General
Consumer & Environmental Protection Division
Post Office Drawer 1508
Santa Fe, New Mexico 87504-1508
Tel: (505) 490-4052
ckhoury@nmag.gov
bmcmath@nmag.gov
bmoore@nmag.gov

KIRBY McINERNEY LLP

David E. Kovel (*admitted pro hac vice*)
Thomas Popejoy (*admitted pro hac vice*)
Karen M. Lerner (*admitted pro hac vice*)
Anthony E. Maneiro (*admitted pro hac vice*)
250 Park Avenue, Suite 820
New York, NY 10177
Tel.: (212) 371-6600
dkovel@kmlp.com
tpopejoy@kmlp.com
kloverner@kmlp.com
amaneiro@kmlp.com

SHEARMAN & STERLING LLP

Electronically Approved 2/3/2022

Adam S. Hakki (*pro hac vice*)
Jerome S. Fortinsky
599 Lexington Avenue
New York, NY 10022-6069
Telephone: (212) 848-4000
Facsimile: (212) 848-7179
adam.hakki@shearman.com
jfortinsky@shearman.com

MONTGOMERY & ANDREWS, P.A.

Jeffrey J. Wechsler
325 Paseo de Peralta
Santa Fe, NM 87501
Telephone: (505) 986-2637
jwechsler@montand.com

*Attorneys for Defendant Creditex Group
Inc.*

GILBERT LLP

Richard J. Leveridge (*admitted pro hac vice*)

Adam H. Farra (*admitted pro hac vice*)

Alison D. Gaske (*admitted pro hac vice*)

Ethan H. Kaminsky (*admitted pro hac vice*)

700 Pennsylvania Avenue, S.E., Suite 400

Washington, D.C. 20003

Telephone: (202) 772-2301

LeveridgeR@GilbertLegal.com

FarraA@GilbertLegal.com

GaskeA@GilbertLegal.com

KaminskyE@GilbertLegal.com

Interim Co-Lead Counsel for the Class